

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

GREGORY TYRONE DOTSON,)	
#339695,)	
)	
Plaintiff,)	
)	
v.)	NO. 3:23-cv-00881
)	
SHAWN PHILLIPS, Warden, et al.,)	JUDGE RICHARDSON
)	
Defendants.)	

MEMORANDUM OPINION AND ORDER

Plaintiff Gregory Dotson, a state inmate incarcerated at the Bledsoe County Correctional Complex in Pikeville, Tennessee, filed this action and sought leave to proceed as a pauper on August 22, 2023.

On November 9, 2023, Plaintiff filed a Motion to Waive Filing of Fees (Doc. No. 5), in which he expresses regret for having “ignorantly filed” this lawsuit and asks the Court to “rescind this grievance and/or complaint without prejudice.” (*Id.* at 1.)

The Court construes Plaintiff’s Motion as a notice of voluntary dismissal under Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure. *See Harris v. Adams Cnty. Domestic Relations*, No. 1:14-cv-2074, 2015 WL 5895502, at *2 (M.D. Pa. Sept. 30, 2015) (construing pro se plaintiff’s letter seeking to withdraw complaint as notice of voluntary dismissal under Rule 41(a)(1)(A)(i)). Under this Rule, “the plaintiff may dismiss an action without a court order by filing . . . a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment[.]” Fed. R. Civ. P. 41(a)(1)(A)(i). A notice of dismissal in such circumstances is “self-effectuating, leaving no basis upon which a District Court can prevent such a dismissal,”

and is “effective immediately upon . . . filing.” *Aamot v. Kassel*, 1 F.3d 441, 445 (6th Cir. 1993); see *Wellfount, Corp. v. Hennis Care Ctr. of Bolivar, Inc.*, 951 F.3d 769, 774 (6th Cir. 2020) (“Under Rule 41(a)(1), a qualifying plaintiff has an absolute right to withdraw its action and, once a notice of dismissal is filed, a district court ‘has no discretion to deny such a dismissal.’” (quoting *Aamot*, 1 F.3d at 443)).

Accordingly, Plaintiff voluntarily dismissed this case without prejudice on November 9, 2023. Although no order is necessary to effectuate this disposition, as an administrative matter, the Clerk is **DIRECTED** to terminate Doc. No. 5 as pending and to close this file.

IT IS SO ORDERED.



ELI RICHARDSON
UNITED STATES DISTRICT JUDGE